

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS—EASTERN DIVISION

EXXONMOBIL OIL CORPORATION,  
a New York Corporation,

Plaintiff,

v.

D CONSTRUCTION MANAGEMENT  
COMPANY, INC, an Illinois Corporation,  
P.T. FERRO CONSTRUCTION COMPANY,  
INC., an Illinois Corporation, TRANSYSTEMS  
CORPORATION, a Missouri Corporation, and  
CONSOER TOWNSEND ENVIRODYNE  
ENGINEERS, INC., a Delaware Corporation,

Defendants.

08-CV-3064

**NOTICE OF MOTION**

Please take notice on Friday, August 29, 2008, at 10:30 a.m., we shall appear before the Honorable Charles R. Norgle, Room 2341, United States District Court, 219 S. Dearborn Street, Chicago, IL 60604, and then and there present **P.T. FERRO CONSTRUCTION COMPANY INC.S' MOTION TO STRIKE PLAINTIFF'S REQUEST FOR ADMISSION OF FACT OR GENUINESS OF DOCUMENTS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 36**, a copy of which has been served upon you.

RATHBUN, CSERVENYAK & KOZOL, LLC

BY: /s William V. Kozol

WILLIAM V. KOZOL #03121881  
RATHBUN, CSERVENYAK & KOZOL, LLC  
3260 Executive Drive  
Joliet, Illinois 60431  
(815) 730-1977

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by CM/ECF to such attorneys at their business address as disclosed by the pleadings of record herein.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS—EASTERN DIVISION

EXXONMOBIL OIL CORPORATION,	)	
a New York Corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
D CONSTRUCTION MANAGEMENT	)	
COMPANY, INC, an Illinois Corporation,	)	08-CV-3064
P.T. FERRO CONSTRUCTION COMPANY,) )		
INC., an Illinois Corporation, TRANSYSTEMS	)	
CORPORATION, a Missouri Corporation, and	)	
CONSOER TOWNSEND ENVIRODYNE	)	
ENGINEERS, INC., a Delaware Corporation,	)	
	)	
Defendants.	)	

**P.T. FERRO CONSTRUCTION COMPANY INC.S' MOTION TO STRIKE PLAINTIFF'S  
REQUEST FOR ADMISSION OF FACT OR GENUINESS OF DOCUMENTS PURSUANT  
TO FEDERAL RULE OF CIVIL PROCEDURE 36**

NOW COMES Defendant, P.T. Ferro Construction Company, Inc., by its counsel,  
RATHBUN, CSERVENYAK & KOZOL, LLC, and for its Motion To Strike Plaintiff's Request For  
Admission Of Fact Or Genuiness Of Documents Pursuant To Federal Rule Of Civil  
Procedure 36, and states as follows:

1. On August 18, 2008, Plaintiff filed its Request for Admission of Fact or Genuiness of Documents.
2. Federal Rule 26 (d) (1) states:  
**(d) Timing and Sequence of Discovery.**  
**(1) Timing.** A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)...
3. By its Request for Admission of Fact or Genuiness of Documents, Plaintiff is in violation of Federal Rule 26 (d) (1) as it is seeking discovery before the parties have conferred as required by Rule 26(f)

WHEREFORE, the Defendant, P.T. Ferro Construction Company, Inc. prays that this court enter an order striking Plaintiff's Request for Admission of Fact or Genuiness of Documents pursuant to Federal Rule of Civil Procedure 36.

P.T. FERRO CONSTRUCTION COMPANY,

By: \_\_\_\_\_ s/ William V. Kozol

One of Its Attorneys

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